

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

LAWRENCE D. LIEBER,

Defendant.

LAWRENCE D. LIEBER,

Counterclaimant,

v.

MARVEL CHARACTERS, INC., and DOES
1-10, inclusive,

Counterclaim-Defendants.

Case No.: 1:21-cv-07955-LAK

**JOINT STIPULATION AND
[PROPOSED] ORDER FOR
DISMISSAL WITH PREJUDICE**

Hon. Lewis A. Kaplan

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff and Counterclaim-Defendant Marvel Characters, Inc., on the one hand, and Defendant and Counterclaimant Lawrence D. Lieber, on the other, by and through their undersigned counsel, hereby stipulate that this action and all claims, including all counterclaims, and defenses asserted therein, be dismissed with prejudice, with each party bearing its own attorneys' fees, costs, and expenses.

Dated: May 18 , 2023

O'MELVENY & MYERS LLP

By: 

Daniel M. Petrocelli

Daniel M. Petrocelli*
dpetrocelli@omm.com
Molly M. Lens
mlens@omm.com
Matthew Kaiser*
mkaiser@omm.com
1999 Avenue of the Stars, 8th Floor
Los Angeles, California 90067
Telephone: (310) 553-6700
Facsimile: (310) 246-6779

Allen Burton
aburton@omm.com
Danielle Feuer
dfeuer@omm.com
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061

* Admitted pro hac vice

Attorneys for Marvel Characters, Inc.

Dated: May 19, 2023

TOBEROFF & ASSOCIATES, P.C.

By: 

Marc Toberoff

Marc Toberoff
mtoberoff@toberoffandassociates.com
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333
Facsimile: (310) 246-3101

Attorneys for Lawrence D. Lieber

SO ORDERED:

DATED: , 2023

BY: _____

Hon. Lewis A. Kaplan
United States District Judge